

REMARKS

Claims 1-2 and 3-21 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claim 1-4 and 10-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Welsh (U.S. Pat. No. 5,771,949) in view of Liao (5,829,499). This rejection is respectfully traversed.

The establishment of a *prima facie* case of obviousness requires that three basic criteria be met: 1) some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings, 2) that there must be a reasonable expectation of success, and 3) that the prior art reference or references must teach or suggest all the claim limitations. *See, e.g., In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991).

Regarding the requirement for teaching or suggesting all claim elements, Applicants note that claim 1, as amended, includes the following limitation: “a speed selector handle disposed on the carriage assembly for adjusting the speed of rotation of the cutterhead assembly. . . wherein the speed selector handle can be rotated between at least two positions. ” The combination of Welsh and Liao does not teach or suggest Applicants’ invention, as neither Welsh nor Liao employs or suggests a speed selector handle that is disposed on the carriage assembly for adjusting the speed of rotation of the cutterhead assembly where the handle is capable of being rotated between at least two positions. The Examiner identified handles (96, 30, 112) in Welsh;

however none of these handles are disposed on the carriage assembly. Furthermore, handles 30 and 112 of Welsh are not capable of being rotated between at least two positions. Finally, none of the handles of Welsh are capable of adjusting the speed of rotation of the cutterhead assembly. Liao also does not disclose a speed selector handle that is disposed on the carriage assembly for adjusting the speed of rotation of the cutterhead assembly where the handle is capable of being rotated between at least two positions. Instead, Liao only includes a single handle designed to lower or raise the upper housing with respect to the bed.

Moreover, there is no suggestion or motivation in Welsh and Liao to include a speed selector handle that is disposed on the carriage assembly for adjusting the speed of rotation of the cutterhead assembly where the handle is capable of being rotated between at least two positions because neither Welsh or Liao include any functionality that allows the adjustment of the speed of rotation of the cutterhead.

For at least the reasons set forth above, Applicants submit that the Examiner has not presented a *prima facie* case of obviousness.

Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 1 under 35 U.S.C. § 103(a). Claims 2, 4 and 10-15 depend from claim 1. For the same reasons applicable to claim 1, Applicants also respectfully request that the Examiner reconsider and withdraw the rejection of claims 2, 4 and 10-15 under 35 U.S.C. § 103(a).

The Examiner also rejected claims 5-9 under 35 U.S.C. § 103(a) as being unpatentable over Welsh in view of Liao and Buttke (U.S. Pat. No. 2,792,036). This rejection is respectfully traversed.

Claim 5, as amended, requires cutterhead main body having “a substantially triangular cross-section and each knife is disposed on one side of the main body.” Neither Welsh, Liao, or

Buttke teach, disclose, or suggest a cutterhead having a main body with a substantially triangular cross-section where each knife is disposed on one side of the main body. As indicated by the Examiner, neither Welsh or Liao discuss the use of a three knife cutterhead. Furthermore, Buttke also does not teach, disclose, or suggest a cutterhead with a main body having a substantially triangular cross-section where each knife is disposed on one side of the main body. Instead, the Buttke cutterhead has a circular cross section with the knives disposed along the circumference of the cutterhead.

Thus, the Welsh/Liao/Buttke patent combination cannot render claim 5 and its dependent claims unpatentable.

Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 5-9 under 35 U.S.C. § 103(a).

The Examiner also rejected claims 16-18 under 35 U.S.C. § 103(a) as being unpatentable over Welsh (U.S. Pat. No. 5,771,949) in view of Liao and Chen (U.S. Pat. No. 5,988,239). This rejection is respectfully traversed.

Since claims 16-18 now depend from claim 1, as amended, for the same reasons applicable to claim 1, Applicants also respectfully request that the Examiner reconsider and withdraw the rejection of claims 16-18 under 35 U.S.C. § 103(a).

Similar to Welsh and Liao, Chen also does not disclose, teach, or suggest a does not disclose a speed selector handle that is disposed on the carriage assembly for adjusting the speed of rotation of the cutterhead assembly where the handle is capable of being rotated between at least two positions. Instead, Chen only includes a single handle, not located on the carriage assembly, designed only to lower or raise the rollers, cutterhead, and motor with respect to the bed body.

Moreover, there is no suggestion or motivation in Chen to include a speed selector handle that is disposed on the carriage assembly for adjusting the speed of rotation of the cutterhead assembly where the handle is capable of being rotated between at least two positions because Chen does not include any functionality that allows the adjustment of the speed of rotation of the cutterhead.

Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 16-18 under 35 U.S.C. § 103(a).

ALLOWED SUBJECT MATTER

Applicants appreciate the Examiner's indication that claims 19-20 are allowed.

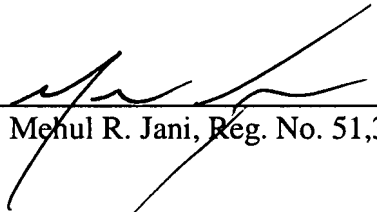
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (410) 821-1641.

A two month extension fee is believed due. Furthermore, the Commissioner is authorized to charge payment of any fees due in the processing of this amendment, or credit any overpayments to Deposit Account No. 02-248.

Respectfully submitted,

Dated: 8/1/07

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